

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE
Bangor Division**

JANE DOES 1–6, JOHN DOES 1–3,)	
JACK DOES 1–1000, JOAN DOES 1–1000,)	
)	
Plaintiffs,)	
v.)	Case No. <u>1:21-cv-00242-JDL</u>
)	
JANET T. MILLS, in her official capacity as)	
Governor of the State of Maine,)	
JEANNE M. LAMBREW, in her official capacity)	
as Commissioner of the Maine Department of)	
Health and Human Services,)	
NIRAV D. SHAH, in his official capacity as)	
Director of the Maine Center for Disease Control)	
and Prevention,)	
MAINEHEALTH,)	
GENESIS HEALTHCARE OF MAINE, LLC,)	
GENESIS HEALTHCARE, LLC,)	
NORTHERN LIGHT HEALTH FOUNDATION,)	
MAINEGENERAL HEALTH,)	
)	
Defendants.)	

**PLAINTIFFS’ EMERGENCY REQUEST FOR RULING ON
PENDING MOTION FOR INJUNCTION PENDING APPEAL**

Plaintiffs, by and through the undersigned counsel, hereby move this Court, **on an emergency basis**, for an immediate ruling on Plaintiffs’ Pending Motion for Injunction Pending Appeal. (Dkt. 3.) As the Court is aware, on October 13, 2021, this Court denied Plaintiffs’ request for a preliminary injunction. (dkt. 65.) This Court’s rationale for the denial of Plaintiffs’ Motion for Preliminary Injunction was based on the same factors used for a determination of an injunction pending appeal under Fed. R. Civ. P. 8. *See Respect Maine PAC v. McKee*, 622 F.3d 13, 15 (1st Cir. 2010). Though this Court has already determined that Plaintiffs’ motion for preliminary injunction fails the relevant test, Plaintiff is nonetheless required by Fed. R. App. P. 8(a)(1)(C) to obtain a decision from this Court on its **pending** motion for an injunction pending appeal in this

Court before seeking such relief from the First Circuit, where the appeal of this Court's order is currently pending. Accordingly, Plaintiffs incorporate herein its reasons and legal arguments in its Motion for Temporary Restraining Order and Preliminary Injunction (dkt. 3), as if fully set forth herein.

Plaintiffs bring the instant Motion **on an emergency basis and request that an order issue immediately on the pending Motion.**

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of October, 2021, I caused a true and correct copy of the foregoing to be electronically filed with this Court. Service will be effectuated on all Counsel of Record via this Court's ECF/electronic notification system.

/s/ Daniel J. Schmid
Daniel J. Schmid